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OFFICE OF PETITIONS

In re Application of :
Linton Wiebe :
Application No. 10/801,941 :
Filed: March 17, 2004 :
Attorney Docket No. 83438-102 ADB :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 16, 2006, to revive the above-identified application. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The undersigned immediately reviewed the merits of the petition upon receipt. The Office sincerely apologizes for any inconvenience.

This application became abandoned on January 4, 2006, for failure to pay the issue and publication fees and submit timely corrected drawings as required by the Notice of Allowance and Notice of Allowability, respectively, mailed on October 3, 2005. A Notice of Abandonment was mailed on February 22, 2006. On March 6, 2006, petitioner filed a petition under 37 CFR 1.137(b), which was dismissed by the decision of September 19, 2006. On October 16, 2006, petitioner filed the present renewed petition.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee, and (3) an adequate statement of unintentional delay. Accordingly, the petition is **granted**.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

This matter is being referred to the Office of Patent Publication for issuance as a patent.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell
Christina Tartera Donnell
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